

## 12.02 LICENSING AND REGULATION OF ANIMALS.

### 1. Definitions.

- a. "Approved" shall mean approved by the Health Officer
- a. "At large" shall mean an animal is off the premises of its owner and upon any public street or alley, any school grounds, and public park, or any other public grounds, or upon any private property without the permission of the owner of the property; provided, however, an animal shall not be deemed at large if:
  - (i) It is attached to a leash not more than ten feet in length which is of sufficient strength to restrain the animal, and leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden or
  - (ii) It is properly restrained within a motor vehicle.
- c. "Director of Public Works" shall mean the legally designated head of the Department of Public Works of the Village of Big Bend or his designated representative.
- d. "Dog" shall mean all domesticated members of *Canis familiaris*, male or female.
- e. "Domesticated" shall mean any bird or animal of any species. which usually lives in or about the habitation of man or which is usually raised and tended by man in order to contribute to the support of a family or the wealth of the community.
- f. "Fowl" shall mean all domesticated birds ordinarily considered to be edible including pigeons.
- g. "Grooming" shall mean care or service provided to the exterior of an animal to change its looks or improve its comfort, but shall not mean the treatment of physical disease or deformities.
- h. "Grooming Establishment" shall mean a business establishment wherein any domesticated bird or animal is received for grooming.
- i. "Health Officer" shall mean the legally designated health authority of the Village of Big Bend or his authorized representative.

- j. "Kennel" shall mean a business establishment wherein more than two dogs or cats over the age of five months may be kept for boarding, breeding, sale or sporting purposes
- k. "Owner" shall mean any person, firm, corporation, or their agent owning, harboring, sheltering, or keeping a dog, cat, or any other domesticated bird or animal. The occupant of any premises on which a dog, cat, or any other domesticated bird or animal remains or to which it customarily returns daily for a period of ten (10) days shall be presumed to be harboring, sheltering or keeping the dog, cat, or other domesticated bird or animal within this definition.
- l. "Person" shall mean any individual, firm or corporation.
- m. "Pet Shop" shall mean a business establishment where domesticated mammals, birds, or reptiles are kept for sale; provided, however, a kennel shall not be included within the definition.

## 2. Keeping of Animals and Fowl Within the Village Limits.

- a. No person shall keep or harbor more than three dogs or four cats in any family dwelling unit or accessory building, place of residence, or business within the Village of Big Bend. The keeping or harboring of more than three dogs or four cats in any family dwelling unit or accessory building, place of residence or business is declared to be a nuisance. This subsection shall not apply to the keeping of female dogs and cats and their litter, when such litter is less than twelve (12) weeks of age. (ord.96-3)
- b. Except as otherwise provided in this chapter, no person shall keep within the Village of Big Bend, either temporarily or permanently, any bees, pigeons, fowl, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock; provided, however, that such animals or fowl may be kept at places approved by the Health Officer for educational purposes, for research purposes, for circuses and similar recreational events and maybe kept within residential or agricultural districts as permitted in the Big Bend zoning Code.
- c. No rabbits or guinea pigs shall be kept within any portion of any multiple dwelling.

## 3. Kennels

- a. Permit Required. No person shall operate a kennel unless he holds a valid permit issued by the Village Clerk. When all applicable provisions of this ordinance have been complied with by the applicant and a valid

occupancy permit for this type of business has been issued by the Building Inspector, the Village Clerk shall issue a permit to operate, upon the payment of a fee of ten dollars (\$10.00). Every such permit issued shall expire on the last day of December.

b. Operation. Kennels shall be operated in accordance with the following requirements:

1. All animals shall be maintained in a healthy condition, or if ill, shall be given . appropriate treatment immediately.
2. The quarters in which the animals are kept shall be maintained in a clean condition and in good state of repair.
3. Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
4. Food supplies shall be stored in rodent proof containers and food and water containers shall be kept clean.
5. Litter and/or bedding mater shall be changed as often as necessary to prevent an odor nuisance.
6. Feces shall be removed from yards, pens, and enclosures daily and stored in tightly covered metal containers until final disposal.
7. Yards, pens, premises and animals shall be kept free of insect infestations.
8. No odor nuisances shall be permitted.
9. Kennels shall be operated in accordance with the provisions set forth in section 12.03 (4) (c) and (d) below.

4. Pet Shops.

- a. Permit Required. No person shall operate a pet shop unless he holds a valid permit issued by the Village of Big Bend. When all applicable provisions of this ordinance have been complied with by the applicant and a valid occupancy permit for this type of business has been issued by the inspector of buildings, the Village Clerk shall issue a permit to operate, upon the payment of a fee of ten dollars (25.00). \_Every such permit issued shall expire on the last day of December.
- b. Operation. Pet shops shall be operated in accordance with the requirements set forth in Section 12.03 (3) (b) above.

- c. Dogs to be Immunized Against Rabies. No pet shop operator shall sell or offer for sale any dog six or more months old unless the dog has been vaccinated against rabies by use of an approved live, attenuated rabies virus vaccine administered by a licensed veterinarian. A certificate of vaccination identifying the dog, including its approximate age, date of vaccination and signed by the vaccinating veterinarian shall be given the purchaser.
- d. Record of Sale. Every pet shop operator shall keep a record of every dog and cat sold by his establishment setting forth the date and source of acquisition, date of rabies vaccination, the date of sale, and the name and address of the purchaser, such records shall be maintained on the pet shop premises for at least one (1) year following the date of sale of each dog and cat, and such records shall be open to the public.
- e. Sale of Bats. Foxes. Raccoons. and Skunks Prohibited. No pet shop shall engage in the purchase, keeping, or sale of any species of bats, foxes, raccoons, or skunks.

5. Grooming Establishments.

- a. Permit Required. No person shall operate a grooming establishment unless he holds a valid permit issued by the Village of Big Bend. When all applicable provisions of this ordinance have been complied with by the applicant and valid occupancy permit for this type of business has been issued by the inspector of buildings, the Village Clerk shall issue a permit to operate, upon the payment of a fee of ten dollars (\$10.00). Every such permit issued shall expire on the last day of December.
- b. Operation. Animal grooming establishments shall be operated in accordance with the following requirements:
  - 1. The floor of any room in which grooming operations are conducted or in which animals are kept shall be covered with an impervious, smooth, cleanable surface. The floors shall be cleaned and sanitized (disinfected) daily.
  - 2. All animal hair and manure shall be removed from the floors daily and shall be stored in tightly covered, waterproof containers in such a manner as to prevent a nuisance until final disposal.
  - 3. No dogs or other animals shall be kept in any grooming establishment between the hours of 9:30 p.m. and 7:00 a.m. Nothing in this paragraph shall apply to an establishment where grooming is incidental to the operation of a licensed kennel, licensed pet shop, or a veterinary hospital.
  - 4. The premises shall be kept free of insect infestations.

5. The premises shall be maintained and operated in a nuisance-free manner.

6. Enforcement.

- a. violations. Whenever, upon inspection of any establishment or place regulated under sections (3), (4), or (5), the Health Officer finds that conditions or practices exist which are in violation of the provisions, of sections (3), (4), and (5), the Health Officer shall issue a written order setting forth the character of the violation or violations. This order, which may be served personally or by certified mail, to the operator of such establishment or place shall direct him to correct the said practices or conditions within a reasonable period of time, to be determined by the said Health Officer. Such order shall, also contain the notification that if such practices or conditions have not been corrected within that period of time, the permit to operate such establishment will be suspended.
- b. Suspension of Permit. If, at the end of such period of time, a reinspection by the Health Officer reveals that such practices or conditions have not been corrected within that period of time, he shall suspend the permit and give notice in writing to the operator that the latter's permit has been suspended.
- c. Hearing-Permit Revocation. Any person whose permit to operate an establishment or place regulated under sections (3), (4), or (5) has been suspended, or who has received a notice from the Health Officer that his permit is to be suspended unless existing conditions or practices at his establishment are corrected, may request and shall be granted a hearing on the matter before the Health Officer, provided that if no written petition for such hearing is filed in the office of the Health Officer within twenty (20) days following the day on which such permit was suspended and the violations have not been corrected, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocations, the operator shall cease to operate said establishment. Upon receipt of petition for a hearing, the Health Officer shall within 10 (10) days notify the petitioner of the date, time and place of the hearing. Following the hearing, the Health Officer shall sustain, modify or withdraw the notice of permit suspension or shall revoke the permit, as in his judgment is necessary to protect the public health, safety and welfare of the citizens of the Village of Big Ben and shall notify the petitioner in writing of his decision.

7. Sanitary Conditions of Commercial Places Where Animals Are Housed. All commercial kennels, hutches, runs, yards, or any other commercial structure or premises where animals, permitted to be kept in accordance with the provisions

of this chapter are housed or kept, shall be maintained in a clean and sanitary condition.

8. License.

- a. Dog License. The Village Clerk shall issue dog licenses upon due application required under Chapter 174 of the Wisconsin Statutes. The license fee shall be \$13.00 annually for male and female dogs, \$8.00 annually for spayed or neutered dogs. \$1.00 from each license fee shall be remitted to Waukesha County in accordance with the Waukesha County rabies control ordinance. \$2.00 for each license fee shall be remitted to Waukesha County in accordance with the Waukesha County Humane Office ordinance. The Village Clerk shall collect an additional \$5.00 if the owner fails to obtain a license by April 1st or within 30 days after the dog becomes 5 months of age, or within 30 days after acquiring a dog. The licensee upon procuring a license, shall securely attach the license tag to a collar or harness and this collar or harness with the license tag attached shall, whenever the dog is outside the dwelling of the licensee, be kept on the dog for which the license is issued. Any such dog found without a collar or harness to which a license tag is attached shall be deemed unlicensed. (Ord. 2003-05)(11-6-03)
- a. Cat License. The Village Clerk shall issue cat licenses upon due application. The license fee shall be \$8.00 for male and female cats, \$4.00 annually for spayed or neutered cats. The Village Clerk shall collect an additional \$5.00 if the owner fails to obtain a license by April 1st or within 30 days after the cat becomes 5 months of age, or with 30 days after acquiring a cat. The licensee upon procuring a license, shall securely attach the license tag to a collar or harness and this collar or harness with license tag attached shall, whenever the cat is outside the dwelling of the licensee, be kept on the cat for which the license issued. Any such cat found without a collar or harness to which a license tag is attached shall be deemed unlicensed. (Ord. 2000-08)

9. Dogs at Large: Setting Dog at Large.

- a. Dogs at Large. No owner, keeper or person in control or having custody of a dog shall allow the same to go off the premises of such owner, keeper or person having custody of such dog unless such dog is accompanied by the owner, keeper, or person having custody of such dog or a member of their family of suitable age and discretion, and such dog is on a leash.
- b. Setting Dog at Large. It shall be unlawful for any person to permit a dog to run at large by opening any door or gate of any premises or loosen any

restraining device or otherwise entice any dog to leave any place of confinement.

10. Impounding and Repossession of Animals.

- a. Impounding. Any animal found running at large in the Village of Big Bend shall be apprehended by any police officer or the Village of Big Bend or any other individual so designated by the Village Board for that purpose.
- b. Any animal apprehended as provided in this subsection shall be turned over and be impounded by any individual so designated by the Village Board for that purpose.
- c. Repossession. The possession of any animal so seized or impounded may be obtained by the owner upon the payment of the current daily fees and charges for keeping such dog each calendar day or fraction thereof during which the said animal has been impounded. The possession of an unlicensed dog may be obtained by the owner after he obtains the required license and , pays the specified impounding and daily fee for keeping such dog.
- d. Any animal that is impounded and is not reclaimed by the owner within 48 hours from the time of impounding shall be disposed of in accordance with law.

11. Harboring Vicious Animals. It shall be unlawful for any person to harbor or keep a vicious animal with the Village of Big Bend. An animal is deemed to be vicious if it has attacked or bitten any person or when a propensity to attack or bite persons exists, and is known or ought reasonably to be known to the person harboring such animal. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency.

12. Animal Bites.

- a. Whenever a dog or other domesticated animal or wild animal held captive bites a person within the Village of Big Bend and such bite penetrates or lacerates the skin of the person bitten, such dog or other domesticated animal or wild animal held captive shall be restricted to the premises of its owner, if within the Village, or to a veterinarian's care within Waukesha County as a suspected rabies case for a period of fourteen (14) days. During the restricted period, said animal shall not be removed from the restricted premises except to be placed under a veterinarian's care.

- b. If, during the restricted time, said animal shows signs of illness, lameness or paralysis, the owner or veterinarian shall immediately report such condition to the Big Bend Police Department.
- c. All animal bites shall be reported to the Big Bend Police Department whereupon the owner will be instructed to restrict his animal as provided in this ordinance.
- d. In case of an animal bite, the Health Officer may issue such other rules and orders which in his judgment are necessary to safeguard the health and welfare of any person suffering an animal bite.

13. Control of Rabid Animals and Animals Exposed to Rabies.

- a. The owner of any animal which has contracted rabies, or which has been exposed to rabies, or which is suspected having rabies, or which has bitten any person and is capable of transmitting shall, upon demand of the Police Department or Health Officer of the Village of Big Bend, produce and surrender such animal to such department to be held at the owner's expense in quarantine, in a place designated by the Village of Big Bend for observation for a period of fourteen (14) days.
- b. If, upon examination by a qualified veterinarian, any animal shall appear to be infected with rabies, such animal shall be killed. The head of the animal must be sent to the state Lab to verify rabies at the owner's expense. The head must be kept intact and refrigerated.
- c. No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by a rabid animal.

14. Animals: Disturbing the Peace. It shall be unlawful for any person to own, keep, have in his possession, or harbor any bird or animal which, by frequent and habitual howling, yelping, barking or otherwise, shall cause serious annoyance or disturbance to persons in the neighborhood.

15. Cruelty to Animals and Birds.

- a. Transporting Animals, Birds Improperly. No person shall carry or transport in any vehicle on or over any street, alley, sidewalk or public grounds in the Village, any live calf, sheep, lamb, swine or any other animal or any bird so tied and placed as to inflict torture thereto.
- b. Keeping Animals, Birds Improperly. No person shall place, leave or keep or permit to be placed, left or kept in any building or any lot in the Village, any animal or bird so tied or placed as to inflict torture thereto.



- c. Beating Animals Prohibited. No person shall cruelly beat any animal anywhere within the limits of the Village.
- d. Killing and Injuring Birds. No person shall injure or destroy any kind of bird, within the Village or shall throw stones, shoot at or use any implements with the intention of killing or injuring any bird within the Village.

16. Waste Products and Manure Accumulations. The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, any alley or other public or private property unless such is immediately removed therefrom by said owner or person in charge. The owner or person in charge of any private property shall not permit solid fecal matter of animals to accumulate on such property, including the space between the street or curb on the sidewalk adjacent to such property, for a period in excess of twenty-four (24) hours.